THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17748 OF 2007

Dated 21-08-2007

Between:

M/s Hindusthan Zinc Limited …Petitioner

And

The Assistant Commissioner and
Two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17748 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki)*

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal before the second respondent-Appellate Deputy Commissioner, application for stay filed by the petitioner was dismissed by the third respondent-Joint Commissioner. We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the third respondent and direct that 50 per cent of the disputed tax shall be paid by the petitioner, within a period of six weeks. For six weeks, there shall be an unconditional stay of recovery and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No order as to

costs.

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(Bilal Nazki, J)

Dated 21st August, 2007

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(S.Ananda Reddy, J)

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